UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,371	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.737	5132

25883 7590 10/10/2007 HOWISON & ARNOTT, L.L.P P.O. BOX 741715 DALLAS, TX 75374-1715	**EXAMINER** NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2142	

NOTIFICATION DATE	DELIVERY MODE
10/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dalpat.com

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 26 July 2007 has been entered.

2.   This Office Action is in response to the communication received on 26 July

2007.

3.   Claims 1-17 are presented for examination.

Response to Arguments

Applicant's arguments see Applicant's remarks filed 26 July 2007 with respect to

claims 1, 14 have been fully considered and are persuasive. The rejection of the

first paragraph of 35 U.S.C. 112 has been withdrawn.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** et al. US patent application publication # **US 2002/0042736 A1** further in view of **Tso** et al. US patent # **6,892,226 B1**.

6. As to claim 1, Wang, Universal Product Information Lookup and Display System, discloses a method for interconnecting a user's location *(Figs. 1, 4, client 10)* on a network *(WAN or Internet)* to a select one of a plurality of destination locations *(Fig. 1, server product information 28, 30)* on the network, comprising the steps of:

receiving unique information *(Fig. 2, box 66, obtaining UPC bar code #)* at the user's location *(Fig. 4)* before being connected to the network *(Fig. 2, box 68)*;

assembling a data transmission *(TCP/IP packet information)* containing a representation of the unique information *(Fig. 3, the UPC code or UPC identifier 110)*;

transmitting the data transmission to an intermediate node *(Fig. 1, a MSP 64, [0030])* on the network having associated therewith a database *(mapping program database, [0030])*;

receiving from the intermediate node on the network instructional code *(the mapping function or program)* that was generated at the intermediate location as a result of the transmission of the data transmission thereto, which instructional code includes routing information *(an HTML page information including a link to the web site address which contains the desired product information [0032])* that instructs the user location to connect to one of the

plurality of destination locations *(Fig. 1, servers 28, 30)* on the network that has a

defined association *(a mapped corresponding relationship)* with the

representation of the unique information *(Fig. 5, package indicia 120)* defined in a

database *(Fig. 5, mapping program database, [0030], [0036]-[0039])* at the

intermediate location on the network *(Figs. 2, 5, step 74, [0030], [0036]-[0039])*,

which defined associated is required to provide for unique information to be

associated with the one of the plurality of destinations on the network and without

which the unique information can not be associated with one of the plurality of

destination locations on the network, and which defined association is defined by

the intermediate location and can be changed *(not only one-to-one*

correspondence between product codes and web site information but also having

more than one product code will correspond to a single web site,. [0037]) at the

intermediate location and in the possession of the intermediate location *(Figs. 1,*

5, mapping program database provided by the MSP 64, [0030], [0036]-[0039]).

However Wang does not explicitly disclose, interconnecting, in response

to the step of receiving from the intermediate location on the network instructional

code and without any intervention at the user location, the user's location to the

one of the plurality of destination locations across the network in accordance with

the network routing information and accordance with the received instructional

code such that connection to the one of the plurality of destination locations is

controlled by the intermediate location in accordance with the defined association

between the representation of the unique information received at the user

location and the routing information to the one of the plurality of destination

locations on the network

Tso disclose a dynamic advertising content module in the network device

4, is programmed to control the display of advertising content in the client device

1 *(Figs. 3-5, col. 3, line 35 – col. 5, line 11) for the purpose of providing a more*

aesthetically-appealing presentation, the client device has no need to be

preconfigured with any special software to support the presentation of

advertisements (Tso, col. 3, lines 55-61).

7.   As to claim 2, Wang-Tso discloses the network comprises a global

communication network *(Wang, Fig. 4, WAN or Internet 100).*

8.   As to claim 3, Wang-Tso discloses the step of receiving the unique

information comprises receiving machine-readable code having unique

information embedded therein *(Wang, Fig. 4, user scans product code 110 by the*

bar code reader 16, [0031]).

9.   As to claim 4, Wang-Tso discloses the step of receiving the machine

readable code comprises scanning the machine readable code, decoding the

machine readable code and outputting the information encoded within the

machine readable code as the representation of the unique information *(Wang,*

Fig. 4, user scans product code 110).

10.   As to claims 5-8, Wang-Tso discloses the number or other identifiers,

which are machine-readable code. Therefore, the product code, barcode, ISBN

number and EAN code are merely the numbers or identifiers, which are machine-

readable code *(Wang, Fig. 4, user scans product code 110).*

11.   As to claim 9, Wang-Tso discloses, the step of receiving from the one of

the plurality of destination locations at the user location display information

generated by the one of the plurality of destination locations which is displayed to

a user at the user location after interconnection to the one of the plurality of

destination locations by the step of interconnecting *(Wang, Fig. 2, 3, 4, [0030]-*

[0034]).

12.   As to claim 10, Wang-Tso discloses the step of receiving from the

intermediate location on the network instructional code comprises:

        comparing *(transcoding)* the received representation of unique information

at the intermediate location with a database of routing information, which

database of routing information includes a plurality of associative relationships

between predetermined representations of unique information and locations of

various ones of the plurality of destination locations *(Tso, Figs. 3-5, col. 3, line 35*

– col. 5, line 11) and

        if an association *(correspondence)* between the received representation of

unique information and routing information on any of a plurality of destination

locations on the network exists within the database, returning the associated

routing information as part of instructional code back to the user location for

effecting a network connection to the one of the plurality of destination locations

indicated by the routing information in the step of interconnecting *(Tso, Figs. 3-5,*

col. 3, line 35 – col. 5, line 11).

13.   As to claim 11, Wang-Tso discloses, wherein the step of interconnecting

includes the step of activating a web browser program which facilitates the

interconnection over the network in response to receiving the instructional code

including the routing information, which web browser program is operable to at

least provide the interconnection of the user location to the destination location in

accordance with the associated routing information under control of the

intermediate location *(Tso, Figs. 3-5, col. 3, line 35 – col. 5, line 11)*.

14.   As to claim 12, Wang-Tso discloses, wherein the step of assembling a

data transmission comprises assembling a message packet containing a

representation of the unique information *(Wang, UPC code or identifier(s))*.

15.   As to claim 13, Wang-Tso discloses, wherein the step of assembling the

message packet *(the TCP/IP packet information)* comprises forming a data

transmission that is comprised of a first field having associated therewith source

information as to the location on the network of the user location, a second field

having associated therewith destination information as to the location of the

intermediate node on the network and a third field having associated therewith

the representation of the unique information *(the UPC code field, [0031]-[0032])*.

16.   Claim 14 is introduces identical limitations of claim 1; therefore, it is

rejected under the same rationale as in claim 1.

17.   Claims 15-17 introduces identical limitations of claims 4, 9, 10; therefore,

they are rejected under the same rationale as in claims 4, 9, 10.

18.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

19.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER